

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;) Civil No. CV03 00385 SOM-LEK
) (Copyright)
Plaintiff,)
) DECLARATION OF WESLEY H. H.
vs.) CHING
)
HAWAIIAN EXPRESS SERVICE, INC.,)
a California corporation; et al.)
)
Defendants.)
_____)

DECLARATION OF WESLEY H. H. CHING

I, WESLEY H. H. CHING, hereby declare as follows:

1. I am a partner in the law firm of Fukunaga Matayoshi Hershey and Ching ("FMHC") and am the lead attorney representing Defendant HAWAII TRANSFER COMPANY, LIMITED ("HTC") in the above-entitled matter and make this declaration based upon personal knowledge.

2. On March 31, 2006, I contacted Plaintiff's counsel, Timothy Hogan, to set up a date and time to meet and confer regarding DEFENDANT HAWAII TRANSFER COMPANY, LIMITED'S MOTION FOR AN AWARD OF ATTORNEYS' FEES AND RELATED NON-TAXABLE COSTS, filed on March 30, 2006 ("HTC's Motion"). On April 5, 2006, Mr. Hogan and I met and conferred at my law office to discuss, among other things, HTC's Motion. Mr.

Hogan and I have not yet reached a final agreement regarding the attorneys' fees and costs requested by HTC, however the parties are continuing to engage in settlement discussions.

3. I, Wesley H. H. Ching, do declare under penalty of law that the foregoing is true and correct.

Dated: Honolulu, Hawaii, April 13, 2006.

/s/ Wesley H.H.Ching
WESLEY H. H. CHING